

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 98010

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-126-98

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
Filing Data

**For Filing Administrative
Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification [] Proposed [] Adopted By Agency [xx] Temporary [] Emergency []

Brief description of action: Petition 98010 (LCB File No. R-126-98) is a permanent regulation amending NAC 445B.221 by the adoption by reference of 40 CFR 63.40 through 63.44, dealing with construction or reconstruction of major sources of hazardous air pollutants and maximum achievable control technology (MACT) requirements. This adoption by reference implements section 112(g) of the Clean Air Act Amendments of 1990, the Operating Permit Program. In addition, the date reference to 40 CFR Parts 72 and 76 has been updated from July 1, 1997 to January 1, 1998. The amendments are necessary since the State must have the authority to review construction and reconstruction of major sources of hazardous air pollutants as part of the Part 70 Operating Permit Program.

Authority citation other than 233B: NRS 445B.210 and 445B.300

Notice date: August 25, 1998, September 2, 1998 and September 10, 1998

Hearing date: September 24, 1998

Date of Adoption of Agency: September 24, 1998

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 98010 (LCB R-126-98)**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445B. This permanent regulation deals with amendments to the air quality operating permit program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 98009 (LCB R-125-98), was noticed three (3) times: August 25, September 2 and September 10, 1998 as a permanent regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. The regulation was adopted on September 24, 1998 by the State Environmental Commission. The regulatory workshop was held on September 21, 1998. One comment was made at the workshop regarding what facilities would be affected by parts of the regulation. The staff stated that the facility being represented would not be affected by the regulations. No written comments or testimony was received at the public hearing during adoption of the regulation. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

(a)	Attended each hearing;	15
(b)	Testified at each hearing:	0
(c)	Submitted to the agency written comments:	0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates and locations of workshops and notices. No written comments were received regarding this petition, nor was testimony presented regarding this petition. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (702) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was adopted by the State Environmental Commission on September 24, 1998 without a request for amendment.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

The regulation will have a positive short and long term economic impact on the regulated facilities. The amendments will simplify the processes for assuring that major stationary sources are in compliance with all applicable air quality requirements. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The regulations will be consistent with U.S. Environmental Protection Agency statute 42 USC 7401-7671 and the Federal Clean Air Act Titles I-VII. The regulations are no more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

There will be no additional fees, nor will there be an increase in fees associated with this regulation.

END OF FILING STATEMENT FOR 98010 (LCB R-126-98)

CODIFIED PERMANENT REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R126-98

EXPLANATION - Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: §1, NRS 445B.210 and NRS 445B.300

Section 1. NAC 445B.221 is hereby amended to read as follows:

- 445B.221 1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100 (kk), inclusive, 51.100(nn) and 51.165, and 52.21 and Appendix S of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 1997.
2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 1997:
- (a) Subpart A, General Provisions.
 - (b) Subpart D, Standards of Performance for Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.
 - (c) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.
 - (d) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.
 - (e) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.
 - (f) Subpart E, Standards of Performance for Incinerators.
 - (g) Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 30, 1989 and On or Before September 20, 1994.
 - (h) Subpart F, Standards of Performance for Portland Cement Plants.
 - (i) Subpart G, Standards of Performance for Nitric Acid Plants.
 - (j) Subpart H, Standards of Performance for Sulfuric Acid Plants.
 - (k) Subpart I, Standards of Performance for Asphalt Concrete Plants.
 - (l) Subpart J, Standards of Performance for Petroleum Refineries.
 - (m) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.
 - (n) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.
 - (o) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.
 - (p) Subpart L, Standards of Performance for Secondary Lead Smelters.
 - (q) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.
 - (r) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.
 - (s) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.
 - (t) Subpart O, Standards of Performance for Sewage Treatment Plants.
 - (u) Subpart P, Standards of Performance for Primary Copper Smelters.
 - (v) Subpart Q, Standards of Performance for Primary Zinc Smelters.
 - (w) Subpart R, Standards of Performance for Primary Lead Smelters.

- (x) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.
- (y) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.
- (z) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.
- (aa) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants: Diammonium Phosphate Plants.
- (bb) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.
- (cc) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.
- (dd) Subpart Y, Standards of Performance for Cool Preparation Plants.
- (ee) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.
- (ff) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.
- (gg) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.
- (hh) Subpart BB, Standards of Performance for Kraft Pulp Mills.
- (ii) Subpart CC, Standards of Performance for Glass Manufacturing Plants.
- (jj) Subpart DD, Standards of Performance for Grain Elevators.
- (kk) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.
- (ll) Subpart GG, Standards of Performance for Stationary Gas Turbines.
- (mm) Subpart HH, Standards of Performance for Lime Manufacturing Plants.
- (nn) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.
- (oo) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.
- (pp) Subpart MM, Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations.
- (qq) Subpart NN, Standards of Performance for Phosphate Rock Plants.
- (rr) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.
- (ss) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.
- (tt) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.
- (uu) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.
- (vv) Subpart TT, Standards of Performance for Metal Coil Surface Coating.
- (ww) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.
- (xx) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.
- (yy) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.
- (zz) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.
- (aaa) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.
- (bbb) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.
- (ccc) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.
- (ddd) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.
- (eee) Subpart III, Standards of Performance for Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.
- (fff) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.
- (ggg) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.
- (hhh) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO₂ Emissions.

(iii) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

(jjj) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

(kkk) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

(lll) Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries.

(mmm) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

3. Title 40 C.F.R. Part 60, Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996, is hereby adopted by reference as it existed on September 15, 1997. A copy of Subpart Ec may be obtained free of charge from the Nevada Bureau of Air Quality, 333 West Nye Lane, Carson City, Nevada 89706-0851.

4. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 1997.

(a) Subpart A, General Provisions.

(b) Subpart C, National Emission Standard for Beryllium.

(c) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.

(d) Subpart E, National Emission Standard for Mercury.

(e) Subpart F, National Emission Standard for Vinyl Chloride.

(f) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

(g) Subpart FF, National Emission Standard for Benzene Waste Operations.

5. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, 1997.

(a) Subpart A, General Provisions.

(b) ***Subpart B, Requirements for Control Technology Determinations, sections 63.40 to 63.44, inclusive.***

(c) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

[(c)] (d) Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

[(d)] (e) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

[(e)] (f) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

[(f)] (g) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

[(g)] (h) Subpart KK, National Emission Standards for the Printing and Publishing Industry.

[(h)] (i) Subpart OO, National Emission Standards for Tanks - Level 1

[(i)] (j) Subpart PP, National Emission Standards for Containers.

[(j)] (k) Subpart QQ, National Emission Standards for Surface Impoundments.

[(k)] (l) Subpart RR, National Emission Standards for Individual Drain Systems.

[(l)] (m) Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

6. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on ***[July 1, 1997.] January 1, 1998.*** If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, and section 1 of this regulation, the provisions of 40 C.F.R. Part 72 apply.

7. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on ***[July 1, 1997.] January 1, 1998.*** If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.395, inclusive, and section 1 of this regulation, the provisions of ***[30] 40*** C.F.R. Part 76 apply.

8. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and the amendments to Section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted by reference as they existed on July 1, 1997.

9. The "Standard Industrial Classification Manual," 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366, for the price of \$29.

10. Except as otherwise provided in subsections 3 and 9, a copy of the publications which contain these provisions may be obtained from the:

(a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954 or 301 Second, Marathon Plaza, Suite 1415, San Francisco, California 94107-1366. The price is:

(1) For <i>the volume containing</i> §§ 51.100(s) to 51.100(hh) to 51.100(kk), inclusive, [and 51.100 (nn)	\$50
(2) For Part 51, Appendix S	50
(3) For § 51.165	
.....	50
(4) For Part 51, Appendix W	50
(5) <i>51.100(nn), 51.165 and Appendices S and W of Part 51</i>	23
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(10) For Part 76.....	60] 57
(6) <i>For the volume containing Parts 72 and 76</i>	35

(b) Division of state library and archives of the department of museums, library and arts for 15 cents per page.

11. For the purposes of the provisions of Parts 60, 61, and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

12. Except as otherwise provided in subsections 6 and 7, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.395, inclusive, and section 1 of this regulation for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

13. For the purposes of this section, "administrator" as used in the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means the director.

END OF LCB File No. R126-98